

1 **WHEREAS**, the Board finds that it is necessary and desirable to ensure that roadside
2 vendors are appropriately attired; and

3 **WHEREAS**, the Board finds and determines that there are increasing incidents of
4 partial nudity by persons on County owned or maintained rights-of-way while conducting
5 commercial activities which are readily visible to the public; and

6 **WHEREAS**, the Board finds and determines that appearing partially nude on County
7 owned or maintained rights-of-way while conducting commercial activities distracts
8 motorists thereby compromising the public safety; and

9 **WHEREAS**, the Board finds that the passage of this Ordinance is necessary to
10 preserve the basic character of the unincorporated community of Palm Beach County; and

11 **WHEREAS**, the Board desires to protect and preserve the unique character of Palm
12 Beach County as a destination for families, tourists, and businesses; and

13 **WHEREAS**, the Board finds and determines that the prohibitions contained herein
14 are reasonable restrictions required so as to regulate conduct which is adverse to public order,
15 morality, and decency within Palm Beach County, when such conduct takes place at
16 locations where such conduct is readily visible to the public; and

17 **WHEREAS**, the Board desires to amend the Roadside Vendors Ordinance to better
18 serve and protect public order, morality, and decency for the citizens and visitors of Palm
19 Beach County.

20 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
21 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

22 **SECTION 1:**

23 Section 23-104, Palm Beach County Code, is hereby amended to include the
24 following additional section:

25 (d) All vendors shall be sufficiently clothed with a fully opaque
26 covering so that no portion of the male or female genitals, pubic
27 area, 1/3 of the buttocks, as described herein, and any portion

1 of the female breast below the top of the areola is exposed.
2 Buttocks shall be defined as: The area at the rear of the human
3 body (sometimes referred to as the gluteus maximus) which lies
4 between two imaginary straight lines running parallel to the
5 ground when a person is standing, the first or top such line being
6 ½ inch below the top of the vertical cleavage of the nates (i.e.,
7 the prominence formed by the muscles running from the back of
8 the hip to the back of the leg) and the second or bottom such line
9 being ½ inch above the lowest point of the curvature of the
10 fleshy protuberance (sometimes referred to as the gluteal fold),
11 and between two imaginary straight lines, one on each side of
12 the body (the “outside lines”), which outside lines are
13 perpendicular to the ground and to the horizontal lines described
14 above and which perpendicular outside lines pass through the
15 outermost point(s) at which each natis meets the outer side of
16 each leg. Notwithstanding the above, buttocks shall not include
17 the leg, the hamstring muscle below the gluteal fold, the tensor
18 fasciae latae muscle or any of the above-described portion of the
19 human body that is between either (i) the left inside
20 perpendicular line and the left outside perpendicular line or (ii)
21 the right inside perpendicular line and the right outside
22 perpendicular line. For the purpose of the previous sentence the
23 left inside perpendicular line shall be an imaginary straight line
24 on the left side of the anus (i) that is perpendicular to the ground
25 and to the horizontal lines described above and (ii) that is 1/3 of
26 the distances from the anus to the left outside line, and the right
27 inside perpendicular line shall be an imaginary straight line on

1 the right side of the anus (i) that is perpendicular to the ground
2 and to the horizontal lines described above and (ii) that is 1/3 of
3 the distance from the anus to the right outside line. (The above
4 description can generally be described as covering 1/3 of the
5 buttocks centered over the cleavage for the length of the
6 cleavage.)

7 **SECTION 2:**

8 Section 23-109, Palm Beach County Code, is hereby amended to include the
9 following additional section:

10 20. Vending without a fully opaque covering so that no portion of the male
11 or female genitals, pubic area, 1/3 of the buttocks and any portion of the
12 female breast below the top of the areola is exposed.

13 **SECTION 3. APPLICABILITY:**

14 The provisions of this Ordinance shall be in full force and effect and apply to all
15 vendors, including those issued current Roadside Vendor Permits.

16 **SECTION 4. REPEAL OF LAWS IN CONFLICT:**

17 All local laws and ordinances applying to the unincorporated area of Palm Beach
18 County in conflict with any provisions of this Ordinance are hereby repealed to the extent
19 of such conflict.

20 **SECTION 5. SEVERABILITY:**

21 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for
22 any reason held by the Court to be unconstitutional, inoperative, or void, such holding shall
23 not affect the remainder of this Ordinance.

24 **SECTION 6. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:**

25 The provisions of this Ordinance shall become and be made a part of the Code of
26 Laws and Ordinances of Palm Beach County, Florida. The sections of this Ordinance may

1 be renumbered or relettered to accomplish such, and the word "ordinance" may be changed
2 to "section", "article", or other appropriate word.

3 **SECTION 7. EFFECTIVE DATE:**

4 The provisions of this Ordinance shall become effective upon filing with the
5 Department of State.

6 **APPROVED AND ADOPTED** by the Board of County Commissioners of Palm
7 Beach County, Florida, this 18th day of March, 1997.

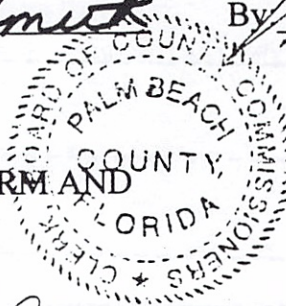
8 DOROTHY H. WILKEN, CLERK

9 PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

10 By: April C. Smith
11 Deputy Clerk

By: [Signature]
Chairman

12 APPROVED AS TO FORM AND
13 LEGAL SUFFICIENCY



14 By: Marlene R. Bennett
15 Asst. County Attorney

16 **EFFECTIVE DATE:** Filed with the Department of State on the 24th day of

17 March, 19 97.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, Clerk of the
Board of County Commissioners, do hereby certify this to be a
true and correct copy of the Ordinance as recorded in my office
on 3/18/97
DATED at West Palm Beach, FL on 3/31/97
DOROTHY H. WILKEN, Clerk
By: Phyllis A. House D.C.

**FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM
CODRS CODING FORM**

Instructions: Florida's Department of State, Bureau of Administrative Code has developed the County Ordinance Data Retrieval System (CODRS) to facilitate the tracking of County ordinances in Florida's 67 Counties. CODRS' data base is composed of over 25,000 county ordinances enacted since 1974.

We request your cooperation in completing this coding form. It is to be completed whenever your county enacts a new ordinance. Simply complete this form and include it with other pertinent ordinance information that is submitted to the Bureau of Administrative Code.

To code this form properly, please refer to the "keyfields" description sheet that has been given to your County Attorney's Office. If you do not have this sheet please contact the Bureau. We will be happy to fax one to you for referencing purposes. Please fill out this form as completely as is possible.

Thank you for your assistance. Should you need further assistance please contact the Bureau of Administrative Code, Department of State at (904)-488-8427 or Suncom 278-8427.

COUNTY: (<u>PALM BEACH</u>)	COUNTY ORDINANCE # (<u>97-5</u>) <small>(e.g., 93 - 001)</small>
PRIMARY KEYFIELD	
DESCRIPTOR: (<u>BOARDS OF COUNTY COMMISSIONERS</u>)	
SECONDARY KEYFIELD	
DESCRIPTOR: (<u>RIGHT OF WAY</u>)	
OTHER KEYFIELD	
DESCRIPTOR: (<u>COUNTIES</u>)	
ORDINANCE DESCRIPTION: (<u>ROADSIDE VENDORS ORD.</u>) <small>(25 characters maximum including spaces)</small>	
ORDINANCES AMENDED: (List below the ordinances that are amended by the this legislation. If more than two, list the most recent two.)	
AMENDMENT # 1: (<u>94-22</u>); AMENDMENT # 2: (_____)	
ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)	
REPEAL # 1: (_____); REPEAL # 3: (_____);	
REPEAL # 2: (_____); REPEAL # 4: (_____);	
(Others repealed: list all that apply): _____	

(FOR OFFICE USE ONLY):	COUNTY CODE NUMBER: (_____)
KEYFIELD 1 CODE: (_____)	KEYFIELD 2 CODE: (_____)
KEYFIELD 3 CODE: (_____)	<small>Rev. 6/28/93</small>